

To the FCC:

The FCC should preserve the rights of carriers and consumers to help the consumers find refuge from the onslaught of SPAM, including political SPAM.

ccAdvertising seeks to define their freedom of speech in terms that would possibly also render the mute button (and, perhaps, even the power button) on the television set a violation of their rights to barge into every private setting and conversation.

The exercise of free speech is often described as speech “in the public square.” In such settings, a citizen has the right to choose to pay attention to the speaker standing on the soap-box or can continue on his way and ignore the speaker. Only totalitarian states make their citizens stay and pay attention to the speech. Similarly, a TV viewer can mute or change the channel and a newspaper reader can turn the page.

Wireless telecommunications customers have no such luxury. The devices accompany the customer everywhere they go and demand immediate attention to, at a minimum, distinguish between a routine message and a message indicating a situation of tremendous urgency. While some customers do use text messages for continuous idle chatter, others use them solely for purposes that require, for example, pulling off the road to check a message and determine its level of urgency. To deprive the consumer of the right to every available shield against intrusive messages, including those where the consumer has enlisted the assistance of the carrier, provided those messages with the ability to be more intrusive than any technology in history.

ccAdvertising also likes to describe their messages as free. While a substantial fraction of their recipients may not be charged for the messages, their assertion is false. First, many users do not purchase unlimited messaging packages. Second, phones travel

globally with their owners and the costs of receiving an unwanted call or text message (often in the middle of the night in the destination timezone) while overseas can be very high.

It is reasonable to instruct carriers to permit their customers to select the level of SPAM filtering they would like to have applied to their lines. It is not reasonable to let the spammers block the customers' free expression of their own property rights where their telecommunications devices are concerned.

Thank You,

Joel Peshkin